IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAKOTA RAYMOND BRODIE,	)	
	)	
Plaintiff,	)	
	)	**Case No. 1:23-cv-216**
v.	)	
	)	
SUPERINTENDENT TOMPSON,	)	
***et al.*,**	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

Plaintiff Dakota Raymond Brodie, an inmate at the State Correctional Institution at Albion, commenced this civil action on July 17, 2023 with the lodging of a *pro se* civil rights complaint directed against eleven Defendants. ECF No. 1. After Brodie's motion for leave to proceed *in forma pauperis* was granted, the complaint was filed by the Clerk of Court. ECF Nos. 5, 7, 8. The case has been referred to Chief United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings, in accordance with 28 U.S.C. §636(b)(1) and Local Civil Rule 72(b). Because Brodie is proceeding *in forma pauperis*, his complaint is subject to the screening provisions of 28 U.S.C. §§1915(e)(2) and 1915A.

On January 22, 2024, Judge Lanzillo submitted a Report and Recommendation in which he opined that Brodie's claims against nine (9) Defendants -- *i.e.*, Superintendent Tompson, "Medical Admenstrion," Major Zomer, Dept. Zusser, LT. RHU-DTU, Capt RHU-DTU, "Syogogy Dept Conslor Roggs," Ms. Jessica, and Ms. Puttmen -- should be dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915(e) and each of the foregoing Defendants should be terminated from the docket. After reviewing Plaintiff's pleading, Judge Lanzillo perceived two potentially viable causes of action arising from an alleged assault on June 15, 2023 and the

alleged denial of constitutionally adequate medical care thereafter; however, Judge Lanzillo found that none of the nine Defendants listed above were alleged to have an actionable nexus to those claims. Accordingly, Judge Lanzillo recommended that the nine enumerated Defendants be dismissed from this case without prejudice to Plaintiff's right to reassert his dismissed claims in a new lawsuit, should he wish to do so.

Objections to the Report and Recommendation were due on or before February 8, 2024. As of this date, no objections have been received.

After *de novo* review of the documents in this case, including the Plaintiff's *pro se* complaint and the Chief Magistrate Judge's Report and Recommendation,

IT IS ORDERED, this 20th day of February, 2024, that Defendants Superintendent Tompson, Medical Admenstrion, Major Zomer, Dept. Zusser, LT. RHU-DTU, Capt RHU-DTU, Syogogy Dept Conslor Roggs, Ms. Jessica, and Ms. Puttmen are hereby terminated as Defendants in this action pursuant to 28 U.S.C. §§1915(e)(2) and 1915A, and all claims against said Defendants are DISMISSED without prejudice to Plaintiff's right to reassert those distinct claims in a separate lawsuit. Consistent with this Order, the only claims presently remaining in this case are Plaintiff's excessive force claims against Defendants CO1 Barth and CO1 Provencher, and Plaintiff's claims against unidentified medical personnel for deliberate indifference to his serious medical needs.

IT IS FURTHER ORDERED that the Report and Recommendation issued by Chief United States Magistrate Judge Richard Lanzillo on January 22, 2024, ECF No. [12], is hereby adopted as the opinion of this Court.

Susan Paradise Baxter

SUSAN PARADISE BAXTER
United States District Judge